

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES A. LAWRENCE,

Plaintiff,

v.

POLE POSITION EXPRESS LOGISTICS
LLC, *et al.*,

Defendants.

CASE NO. C21-0010-JCC

ORDER

This matter comes before the Court on Plaintiff's motion for service of process by mail (Dkt. No. 6). Having thoroughly considered the motion and relevant record, the Court hereby GRANTS the motion for the reasons explained herein.

A plaintiff may, among other methods, serve a defendant located in the United States by "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." Fed. R. Civ. P. 4(e)(1), (h)(1). In Washington, alternative service by mail is permissible when the circumstances would justify service by publication and the defendant is likely to receive actual notice. Wash. State Court Civil Rule 4(d)(4). Service by publication is permitted under limited circumstances such as when a defendant who is a resident of Washington "keeps himself concealed" within the state

1 “with intent to ... to avoid the service of a summons[.]” Wash. Rev. Code § 4.28.100(2).
2 Washington courts have clarified that service by mail is permissible upon Washington residents
3 when they are attempting to evade service. *Pascua v. Heil*, 108 P.3d 1253, 1257 (Wash. App.
4 2005).

5 Plaintiff has made diligent efforts to serve Defendants and has sufficiently shown that
6 Defendants are attempting to evade service of process. For the foregoing reasons, Plaintiff’s
7 motion for leave to effect service of process by mail (Dkt. No. 6) is GRANTED. Plaintiff shall
8 follow the dictates of CR 4(d)(4) in attempting service of process by certified first class mail
9 with return receipt requested.

10 DATED this 29th day of January 2021.

11
12
13 A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

14 John C. Coughenour
15 UNITED STATES DISTRICT JUDGE
16
17
18
19
20
21
22
23
24
25
26